

Readopt Saf-C 5002.01- 5002.03, effective July 14, 2004 (Doc. #8117) to read as follows:

PART Saf-C 5002 DEFINITIONS

Saf-C 5002.01 "Applicant" means any person requesting a permit.

Saf-C 5002.02 "Application" means a written request from an applicant to display fireworks or special effects.

Saf-C 5002.03 "Approved" means approved by the director of state police.

Readopt Saf-C 5002.06, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5002.06 "Display" means an exhibition in which there is the firing off, deflagration or detonation of fireworks, including ground or aerial pieces, or special effects.

Readopt Saf-C 5002.08, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5002.08 "Director" means the director of the New Hampshire state police or his designee.

Readopt Saf-C 5002.10 – 5002.14, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5002.10 "Finale" means the ignition of one or more single shot mortars to conclude the display.

Saf-C 5002.11 "Highway" means any public street, public alley, public road, or public way.

Saf-C 5002.12 "Inhabited buildings" means a building or structure regularly used in whole or part as a place of human habitation. The term also includes any church, school, railway, passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble, but excludes any building or structure occupied in connection with the manufacture, transportation, storage and use of explosive materials.

Saf-C 5002.13 "Magazine" means any building or structure other than an explosives manufacturing building, approved for the storage of explosives, which can be either mobile or permanent.

Saf-C 5002.14 "Marshal" means the state fire marshal.

Readopt Saf-C 5002.16 - 5002.18, previously effective July 14, 1004 (Doc. #8117) to read as follows:

Saf-C 5002.16 "Motor vehicle" means "motor vehicle" as defined in RSA 259:60.

Saf-C 5002.17 "Operator" means the individual person who fires off, discharges, deflagrates or detonates fireworks or special effects and who has been issued a certificate of competency from the director of state police.

Saf-C 5002.18 "Organization" means any association, society or organized group of persons.

Readopt Saf-C 5002.20- 5002.26, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5002.20 "Person" means any individual, firm, partnership, corporation, company, association, joint stock association including any trustee, receiver, assignee or personal representative thereof.

Saf-C 5002.21 "Public conveyance" means any railroad car, streetcar, ferry, cab, bus, airplane or other vehicle which carries passengers for hire.

Saf-C 5002.22 "Pyrotechnic" means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Saf-C 5002.23 "Pyrotechnics" means the display of fireworks.

Saf-C 5002.24 "Pyrotechnics composition" means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen and the atmosphere.

Saf-C 5002.25 "Pyrotechnic device" means any combination of materials, including pyrotechnic compositions which, by the agency of fire, produce an audible, visual, mechanical or thermal effect.

Saf-C 5002.26 "Sell" means to barter, exchange, give or to offer, with or without consideration, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.

Readopt Saf-C 5002.28- 5002. 30, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5002.28 "Special effects" means visual or sound effects introduced during a theatrical or musical production with or without an audience.

Saf-C 5002.29 "Use" means the method or manner by which explosive materials are handled and employed, but does not include storage.

Saf-C 5002.30 "Vessel" means a barge, ship, or boat utilized for carrying persons or cargo upon water.

Readopt Saf-C 5003.02(d), effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5003.02 Certificates of Competency.

(d) No certificate of competency shall be assigned or transferred.

Readopt Saf-C 5003.03 (a), (b) and (d), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5003.03 Qualifications.

(a) An applicant for a certificate of competency shall meet the following minimum requirements:

(1) Compliance with the application procedures set forth in Saf-C 5003.04; and

- (2) Pass a written competency test administered by the director.
- (b) If an applicant cannot read or write, the written competency test shall be administered orally by the director or his/her designee.
- (d) For the purposes of (a)(2) above, an applicant shall receive 8 or less wrong answers in order to pass the test.

Readopt Saf-C 5003.04(a)(1)-(4), (6), (7)c and (b), effective July 14, 2004 (Doc.#8117), to read as follows:

Saf-C 5003.04

- (a)
  - (1) Meet the age requirement set by RSA 160-B;
  - (2) Appear in person at the New Hampshire department of safety, room 106, during normal business hours to:
    - a. Obtain a photo identification; and
    - b. Submit to a written examination;
  - (3) Supply proof of identification such as a valid driver's license or birth certificate;
  - (4) Submit a completed application, form DSSP 165, to the director;
  - (6) Make payment of the fee as specified in RSA 158:9-c; and
  - (7)
    - c. Make an endorsement on a form supplied by the department which shall include:
      - 1. Date of each of the display;
      - 2. Time of each of the display;
      - 3. Location of each of the display;
      - 4. Number and size of shells; and
      - 5. Specific duties of the applicant.
- (b) Applicants shall supply on form DSSP 165 the following:
  - (1) Name, address and date of birth of applicant;
  - (2) Applicant's present employer, and position;
  - (3) Employer's address;

- (4) Whether applicant holds a license or certificate of competency to conduct fireworks displays from another state, and if so, the state and license number;
- (5) Whether a license or certificate of competency has ever been denied, and if so, an explanation;
- (6) Whether any previous license or certificate of competency has ever been revoked or suspended, and if so, an explanation;
- (7) Any criminal record that has not been annulled;
- (8) Citizenship status;
- (9) Number of years engaged in actual fireworks display;
- (10) Companies, municipalities or other organizations that applicant has worked for in this capacity.
- (11) Whether applicant is under indictment for a crime punishable by imprisonment for more than one year, and if so, an explanation stating the specific charge, the date of the charge, and the court of jurisdiction;
- (12) Whether applicant is a fugitive from justice;
- (13) Whether applicant is 18 years of age or older;
- (14) Whether applicant uses or is addicted to marijuana, depressants, stimulants or narcotics;
- (15) Whether applicant has ever been adjudicated as mentally ill, or been committed to any mental institution;
- (16) Certification that the information provided on or with the form is true; and
- (17) Signature under penalty of unsworn falsification.

Readopt Saf-C 5003.05, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5003.05 Renewal of Certificate of Competency.

- (a) All applicants for renewal of certificates of competency shall complete form DSSP 165.
- (b) If the renewal application is filed with the director prior to the expiration of the certificate of competency, the renewal shall become effective when the old certificate of competency expires.
- (c) No renewal certificate of competency shall be issued more than 30 days before the expiration date of the current certificate of competency. If an application for renewal is filed more than 30 days

after the expiration of the old certificate of competency, it shall be considered as an application for an original certificate of competency.

Readopt Saf-C 5004.02, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5004.02 Qualifications.

- (a) An applicant for a storage license shall meet the following minimum requirements:
  - (1) Compliance with the application procedures set forth in Saf-C 5004.03; and
  - (2) Magazine(s) which comply with the magazine provisions of these rules.

Readopt Saf-C 5004.03(a)(1)-(5) and (b), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5004.03 Application Procedures.

- (a)
  - (1) Meet the age requirement set by RSA 160-B;
  - (2) Appear in person at the New Hampshire department of safety, room 106, during normal business hours;
  - (3) Supply proof of identification such as a valid driver's license or birth certificate;
  - (4) Complete the application, form DSSP 110; and
  - (5) Make payment of the fee as specified in RSA 158:9-c.
- (b) Applicants shall submit on form DSSP 110 the following:
  - (1) Whether applicant is an individual, partnership, corporation or other;
  - (2) Applicant's name, address, date of birth, present employer;
  - (3) Employer's address;
  - (4) Applicant's position;
  - (5) If the applicant is not an individual, the name and address of the person in charge, the address of the person signing the application, and the date of birth of the person signing the application;
  - (6) Applicant's telephone number;
  - (7) Whether the applicant holds a license or certificate of competency from another state and if so, the state and license number;
  - (8) Whether the applicant has ever been refused a license or certificate of competency, and if so, an explanation;

- (9) Whether the applicant has ever had a license or certificate of competency revoked or suspended, and if so, an explanation;
- (10) Whether the applicant has a criminal record, and if so, an explanation;
- (11) Whether applicant is an American citizen;
- (12) Number of years applicant has been engaged in actual blasting;
- (13) All the companies, municipalities or other organizations applicant has worked for;
- (14) Whether the applicant is under indictment for a crime punishable by imprisonment for more than one year;
- (15) Whether the applicant is a fugitive from justice;
- (16) Whether the applicant is 21 years old or older;
- (17) Whether the applicant is a user of marijuana, depressants, stimulants or narcotics;
- (18) Whether the applicant has been adjudicated mentally ill, or has been committed to a mental institution; and
- (19) Certification that the information is true and that applicant is familiar with the state laws, rules and local ordinances relating to explosives.

Readopt Saf-C 5004.04 & 5004.05, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5004.04 Renewal of License.

- (a) All applicants for renewal of license shall complete for DSSP 110.
- (b) If the renewal application is filed with the director prior to the expiration of the license, the renewal shall become effective when the old license expires.
- (c) No renewal license shall be issued more than 30 days before the expiration date of the current license. If an application for renewal is filed more than 30 days after the expiration of the old license, it shall be considered as an application for an original license.

Saf-C 5004.05 License Provisions.

- (a) No person shall deliver any explosive materials to any magazine which is not licensed in accordance with RSA 158:9-c, or is not in compliance with the rules adopted by the commissioner.
- (b) One copy of the explosive magazine license shall be prominently displayed at the magazine and shall be available for inspection upon requests of the director or his designee.

Readopt Saf-C 5005.01, effective July 14, 2004 (Doc. #8117) cited and to read as follows:

PART Saf-C 5005 LICENSE OR CERTIFICATE OF COMPETENCY, DENIAL, SUSPENSION AND  
REVOCATION

Saf-C 5005.01 Denial.

- (a) The issuance or renewal of any license or certificate of competency, as set forth in Saf-C 5003.04 and Saf-C 5004.04, shall be denied by the director for the following:
  - (1) Failure to comply with the licensing requirements as set forth in Saf-C 5003 or Saf-C 5004;
  - (2) Noncompliance with any lawful order of the director relative to explosives, pursuant to RSA 158:9-e, IV and RSA 158:9-f, II;
  - (3) The applicant is under indictment for, or has been convicted of, a crime punishable by imprisonment for a term exceeding one year, which involved acts of violence, fraud, or dishonesty such as, but not limited to, murder, assault, subversive activities, terrorism, extortion and embezzlement;
  - (4) The applicant is a fugitive from justice;
  - (5) The applicant is an unlawful user of narcotics or controlled drugs, or is addicted to alcohol, narcotics or controlled drugs;
  - (6) The applicant advocates, or knowingly belongs to any organization or group that advocates violent overthrow of or violent action against any federal, state, or local government;
  - (7) The applicant is under the age specified in RSA 160-B;
  - (8) The applicant suffers from a mental or physical defect that would interfere with the applicant's safe use of explosives;
  - (9) Violation by the applicant of any provision of RSA 158 or of any rule adopted thereunder; and
  - (10) The licensee or holder of a certificate of competency gave false information or made any misrepresentation in order to obtain such a license or certificate.
- (b) Any person who has been denied a license or certificate of competency may request, in writing, a hearing before the director within 10 days of the date of such denial. The director shall extend the 10 day time limit for good cause.
- (c) Good cause shall include, but not be limited to:
  - (1) Serious illness;
  - (2) Hospitalization;
  - (3) Incarceration;
  - (4) Death of a family member; or

- (5) Any other exigent circumstance beyond the control of the person.

Readopt with amendment Saf-C 5005.02, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5005.02 Suspension or Revocation.

- (a) A license or certificate of competency shall be suspended, for the reasons set forth in Saf-C 5005.01(a)(1), (2) or (9), or revoked after a hearing for any of the reasons set forth in Saf-C 5005.01 (a)(3)-(8) or (10) above.
- (b) In addition to (a) above, a license or certificate of competency shall be revoked [for the following reasons:
  - (1) The licensee or holder of a certificate of competency gave false information or made any misrepresentation in order to obtain such a license or certificate; or
  - (2) W]when the director determines that an individual is a threat to the public or the state, or any subdivision thereof such as, but not limited to, when an individual has made threats against a person or public building.
- (c) The director shall notify the licensee or holder of a certificate of competency in writing of the date, time and place of the hearing which shall be scheduled at least 10 days from the date of notice. The notice shall specify the reason why suspension or revocation is under consideration.

Readopt Saf-C 5005.03, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5005.03 Hearing Procedures. Hearings shall be conducted by the bureau of hearings. The hearing procedures that are followed shall be those outlined in Saf-C 202.

Readopt Saf-C 6006.01(b)(1), (2) & (5), effective July 14, 2004 (Doc. #8117) to read as follows:

PART Saf-C 5006 RECORD KEEPING AND NOTIFICATION

Saf-C 5006.01 Record Required.

- (b)
  - (1) The name and address of the receiver;
  - (2) The date of transfer;
  - (5) If the explosive material is to be used within the State of New Hampshire, the name and competency certificate number of the conductor of the display.

Readopt Saf-C 5006.02(a) & (c), effective July 14, 2004 (Doc. #8117), to read as follows:



Saf-C 5006.02 Notifications.

(a) Any licensee or person who holds a certificate of competency shall promptly notify the director of a change of address.

(c) The licensee shall notify the director prior to placement of the location of any unattended magazine, used overnight. The licensee shall state the estimated length of time the magazine shall be at the location. The director shall be notified within 48 hours upon removal of the magazine.

Readopt Saf-C 5007.01(b), effective July 14, 2004 (Doc. #8117), to read as follows:

PART Saf-C 5007 APPLICATIONS AND PERMITS FOR DISPLAY

Saf-C 5007.01 Applications.

(b) Applications for display shall be submitted to the head of the fire department and to the licensing board, or in the absence of a licensing board, to the chief of the police department or governing board in the municipality where the display shall be given, not less than 15 days in advance of the display.

Readopt Saf-C 5007.02- 5007.04, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5007.02 Application for Display Permit.

(a) Each applicant for a display permit shall make application on form DSSP 166.

(b) An applicant shall submit the following on DSSP 166:

- (1) Date of application;
- (2) Name of sponsoring organization or individual;
- (3) Date of birth, if applicable;
- (4) Complete address of sponsor;
- (5) Name and address of sponsor owner or person in charge, if other than an individual;
- (6) Intended date and time of display;
- (7) Name and address of person or company furnishing the display material;
- (8) Name of company issuing surety bond and amount of coverage, if required;
- (9) Name, address of operator(s) who will fire display, and certificate of competency number;
- (10) Location of proposed display;
- (11) Amount and description of fireworks to be discharged and whether manually or electrically fired; and

(12) Signature of applicant.

Saf-C 5007.03 Duties of Officials.

- (a) Upon receipt of the application in accordance with RSA 160-B:7, the head of the fire department shall investigate the facts set forth in the application and inspect the display grounds to determine if the grounds comply with these rules.
- (b) Upon completion of the investigation and inspection, the head of the fire department shall transmit the application with an endorsement thereon, or reasons for withholding such endorsement to the licensing board or in the absence of a licensing board, to the chief of police or the governing board of the town, city or village district.
- (c) After review of the recommendations of the head of the fire department, the licensing board, or in the absence of a licensing board, the chief of police or the governing board of the town, city or village district, shall endorse the application and grant a permit for the display or deny the application, in accordance with RSA 160-B:7, IV.

Saf-C 5007.04 Application to be Transmitted. A copy of the approved application and permit for display or the denied application and reasons for denial, shall be transmitted to the applicant and to the director by the licensing board, chief of police or governing board, at least 5 days prior to the intended date of the display.

Readopt Saf-C 5008.02, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5008.02 Inspection. All storage facilities shall be subject to periodic and unannounced inspections by the director for the purpose of determining compliance by the licensee with these rules.

Readopt Saf-C 5008.03(a)(1)-(3), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5008.03 Exceptions.

- (a)
  - (1) In process of manufacture;
  - (2) Being used; or
  - (3) Being transported.

Readopt Saf-C 5009.01- 5009.03, effective July 14, 2004 (Doc. #8117) cited and to read as follows:

## PART Saf-C 5009 CONSTRUCTION OF TYPE 4 MAGAZINES

Saf-C 5009.01 Structure.

- (a) A type 4 magazine may be a building, an igloo, a tunnel, a dugout, a box, a trailer, or a semi-trailer or other mobile facility and shall be fire-resistant, weather-resistant, and theft-resistant. A type 4 magazine shall be constructed of masonry, metal-covered wood, fabricated metals, or a combination of these materials.
- (b) In the interior of storage facilities, stored materials shall be placed so that they do not interfere with ventilation.
- (c) All nails shall be blind-nailed or counter-sunk.
- (d) Foundations shall be constructed of brick, concrete, cement block, stone or wood posts. If piers or posts are used in lieu of a continuous foundation, the space under the magazine shall be enclosed with metal.

Saf-C 5009.02 Doors.

- (a) The doors or covers of a Type 4 magazine shall be metal or solid wood covered with metal. Hinges and hasps shall be attached to doors by welding, riveting, or bolting with the nuts on the inside of the door. Hinges and hasps shall be installed in such a manner that they cannot be removed when the doors are closed and locked.
- (b) Each door shall be equipped with:
  - (1) 2 mortise locks; or
  - (2) 2 padlocks fastened in separate hasps and staples; or
  - (3) A combination of mortise lock and padlock; or
  - (4) A mortise lock that requires 2 keys to open; or
  - (5) A 3-point lock.
- (c) Locks shall be 5-tumbler proof. All padlocks shall be protected with ¼ inch steel caps constructed so as to prevent locks or hasps from being pried or sawed.

Saf-C 5009.03 Outdoor Magazines. The ground around the magazines shall slope away for drainage. When unattended, a vehicular magazine shall have its wheels removed or shall be otherwise effectively immobilized by kingpin locking devices.

Readopt Saf-C 5009.04(b), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5009.04 Indoor Magazines.

(b) No more than one indoor storage magazine shall be kept in any one building. The magazine shall be located on the floor nearest the ground level and within 10 feet of an outside exit.

Readopt with amendment Saf-C 5010.02, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5010.02 Grouped Magazines. If 2 or more magazines are separated from each other by less than the distance specified in, table 16[.]40.1, the table of distances in Saf-C 1640.01, then those magazines, as a group, shall be considered as one magazine. The total quantity of explosive materials stored in the group shall be treated as if stored in a single facility and shall comply with the minimum of distances specified in tables 16[.]40.1, 16[.]40.2 or 16[.]40.3, the table of distances as cited in Saf-C 1640 from inhabited buildings, passenger railways, and public highways.

Readopt Saf-C 5011.07, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5011.07 Responsibility.

(a) The owner of a magazine shall:

- (1) Be at least 21 years;
- (2) Be responsible for the enforcement of all safety precautions; and
- (3) Be in charge of the magazine at all times.

Readopt Part Saf-C 5012, effective July 14, 2004 (Doc. #8117) cited and to read as follows:

PART Saf-C 5012 UPKEEP AND REPAIR OF MAGAZINES

Saf-C 5012.01 Housekeeping.

- (a) Magazines shall be kept clean, dry, and free of grit, paper, empty packages, containers, and rubbish. Floors shall be swept regularly in order to maintain its cleanliness. Brooms and other utensils used in the cleaning and maintenance of magazines shall have no spark-producing metal parts.
- (b) Floors stained by leakage from explosive materials shall be cleaned according to the instructions of the explosives materials manufacturer. When any explosive material has deteriorated to the extent that it is in a dangerous condition, or if a liquid leaks therefrom, it shall be destroyed in accordance with the instructions of its manufacturer.
- (c) The area surrounding the magazine shall be kept clear of rubbish, brush, dry grass, or trees for at least 25 feet in all directions. Any other combustible materials shall be kept a distance of at least 50 feet from outdoor magazines.

Saf-C 5012.02 Repair.

- (a) Prior to the interior repair of a magazine, all explosive materials shall be removed and the interior shall be cleaned.
- (b) Prior to the exterior repair of a magazine, all explosive materials shall be removed if there exists a possibility that such repairs might produce sparks or flames.
- (c) The explosive materials removed from a magazine under repair shall be placed in another magazine appropriate for the storage of such materials or placed a safe distance from the magazine under repair where they shall be guarded and protected until the repairs have been completed.

Readopt Part Saf-C 5013, effective July 14, 2004 (Doc. #8117) cited and to read as follows:

PART Saf-C 5013 CONSTRUCTION OF PADLOCKS, STEEL CAPS, AND HOODS

Saf-C 5013.01 Padlocks. Padlocks used on outdoor storage magazines shall be constructed of not less than 7/16 inch diameter shackle, case hardened or stainless steel alloy, 420°F or 216°C, heat treated to rockwell hardness of C53. Shackle clearance shall not be less than one inch.

Saf-C 5013.02 Steel Caps and Hoods. Whenever steel caps or hoods are required to protect padlocks, the steel cap or hood shall be constructed of not less than ¼ inch steel and shall be designed to eliminate access to the hasp between the hood or cap and magazine. An extra ¼ inch steel shall be required by the director when it is necessary to prevent the cutting of any part of the locking assembly.

Readopt Saf-C 5014.02(c), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5014.02 Prohibited Acts.

- (c) The driver shall load or unload the vehicle in compliance with 49 CFR 177.834 through 177.844.

Readopt Saf-C 5015.04(b), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5015.04 Inspection.

(b) The following shall be inspected:

- (1) The fire extinguisher, which shall be filled and ready for immediate use;
- (2) All visible electrical wiring underneath the dashboard, the vehicle or the hood of the vehicle, which shall be protected and securely fastened to prevent short-circuiting;
- (3) The chassis, motor , pan, and underside of body, which shall be reasonably clean and free of excess oil and grease;
- (4) Fuel tank and feed line;
- (5) Brakes, lights, horn, windshield wipers, and steering apparatus; and
- (6) Tires, which shall be properly inflated and free of defects.

Readopt Saf-C 5016.03(b), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5016.03 Attendant and His Duties.

- (c) For the purpose of this section, a motor vehicle shall be deemed to be attended only when the driver or other attendant is physically on or in the vehicle or has the vehicle within his field of vision and can reach it quickly without any kind of interference. Attended also means that the driver or attendant is awake, alert and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, representative of the carrier, shipper, consignee, or except for necessary absence from the vehicles to obtain food or use a restroom.

Readopt Saf-C 5016.06, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5016.06 Delivery. Delivery shall only be made to magazines which have met the requirements of Saf-C 5009.

Readopt Saf-C 5017.01(a)(1)-(5), effective July 14, 2004 (Doc. #8117), to read as follows:

PART Saf-C 5017 LOCATION OF DISPLAY

Saf-C 5017.01 Minimum Distances.

(a)

- (1) At least 50 feet from the nearest above ground electrical, telephone or telegraph line, tree or overhead obstruction;
- (2) At least 200 feet from the nearest public highway, railroad or other means of travel unless closed to travel during the display;
- (3) At least 200 feet from the nearest building;
- (4) At least 250 feet from the nearest tent or canvas shelter; and
- (5) At least 500 feet from the nearest hospital, penal facility or other health care or detention establishment.

Readopt Saf-C 5017.02(b), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5017.02 Distance from Audience.

(b) Only persons in charge of the display shall be allowed inside the lines. The restraining lines shall be erected with fencing or rope which shall clearly define the restricted discharge area.

Readopt Saf-C 5017.03 and 5017.04, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5017.03 Responsibility of Operator. It shall be the responsibility of the operator to determine that the area in which the display is to be discharged is safe and that these rules are complied with.

Saf-C 5017.04 Postponement of Display. The head of the fire or police departments or the director or his designee shall order postponement of the display for any violation of these rules until such time as the violation shall have been corrected.

Readopt Saf-C 5018.01(b), (d) & (e), effective July 14, 2004 (Doc. #8117), to read as follows:

PART Saf-C 5018 FIREWORKS AT THE DISPLAY SITE

Saf-C 5018.01 Precautions.

- (b) Upon delivery to the display site, all shells shall be inspected by the display operator. Any shells having tears, leaks, broken fuses or showing signs of having been wet, shall be set aside and shall not be fired. After the display, any defective shells shall be returned to the supplier.
- (d) The shell storage area shall be located at a distance of not less than 25 feet from the discharge site.
- (e) During the display, except where conditions do not permit, such as on a barge or point of land, shells shall be stored upwind from the discharge site. If the wind shifts during the display, the shell storage area shall be relocated to be upwind from the discharge site.

Readopt Saf-C 5019.01 effective July 14, 2004 (Doc. #8117), cited and to read as follows:

#### PART Saf-C 5019 DISPLAY MORTARS

##### Saf-C 5019.01 Requirements for the Display of Single Fire Mortars.

(a) Single fire mortars shall be constructed of non-fragmentary steel, aluminum, or other material, approved by the director, of not less than  $\frac{1}{4}$  inch in thickness, and shall be capped at the base by a threaded or welded cap. Wood plug base ends shall not be permitted.

(b) Single fire mortars up to 10 inches in diameter shall be buried in a trench at least 18 inches apart to a depth of not less than  $\frac{3}{4}$  of their length. In no case shall the protrusion above ground exceed 8 inches. The trench shall be provided with a wooden base planking that shall be equivalent in width to the largest diameter mortar used. The portion of the mortar tube extending above ground shall be protected with railroad ties or their equivalent placed on both sides of the tubes and firmly secured together by wood or metal connecting straps. All remaining space between mortars shall be filled with firmly tamped sand or earth.

(c) For the purposes of paragraph (a) above, a material shall be approved by the director if the material has been demonstrated, through documentation provided by the manufacturer, to withstand equal or greater strength without displaying any fragmentation.

Readopt with amendment Saf-C 5019.02, effective July 14, 2004 (Doc. #8117) to read as follows:

##### Saf-C 5019.02 Exceptions.

(a) In display locations where ground excavation or trenching is not feasible, due to unremovable ground conditions such as tar, the director or the head of the fire department shall allow multiple shot mortars of up to 6 inches in diameter to be buried to  $\frac{3}{4}$  its length in sturdy wooden boxes with partitions, at least 2 feet wide by 3 feet in height filled with clean sand, and provided with 18 inch spacing between mortars or direct that the display location be moved to a site where trenching is feasible.

(b) In lieu of using sturdy wooden boxes with partitions, as set forth in (a) above, sturdy 55 gallon steel drums filled with clean sand may be used so long as no more than 2 mortars are placed in each drum.

(c) The director or fire department head in determining whether the display location shall be moved to a site where trenching is feasible shall consider:

- (1) Whether there is an area around the proposed display location [in] where trenching is available;
- (2) Whether the nearest available trenchable site is adequate to hold the audience for the fireworks display; and
- (3) Whether the nearest available trenchable site meets the requirement set forth in Saf-C 5017.

Readopt Saf-C 5020.01-5020.04, effective July 14, 2004 (Doc. #8117) to read as follows:



## PART Saf-C 5020 SINGLE SHOT MORTARS

Saf-C 5020.01 Construction.

(a) Single shot or “finale” mortars shall be constructed of a minimum of 18 gauge galvanized metal with welded seams, or of any approved non-fragmentary type material, as determined pursuant to Saf-C 5019.01(c). Wood plug base ends shall be permitted for finale mortars.

(b) Single shot or “finale” mortars in excess of 6 inches in diameter shall be of steel or aluminum only.

Saf-C 5020.02 Finale Mortars. Each finale mortar shall be buried in a trench at least  $\frac{3}{4}$  of its length, but in no case shall the protrusion above ground exceed 10 inches. All seam welds, whenever practicable, shall face away from the audience. Burial shall be in a trench only. Finale mortars shall not be buried in rows in an open pit-like excavation.

Saf-C 5020.03 Time Rack Construction.

(a) The time rack or ignition train used for tying the leaders of each shell shall be so constructed that the time rack shall not exceed the height of the finale mortar opening.

(b) For the purposes of this section, time rack, also known as an ignition train, means the device which connects the fuse and the finale mortars together in a row so that when the leading finale mortar is ignited, each subsequent final mortar is ignited after the passing of an interval of time.

Saf-C 5020.04 Single Shot Mortars. Single shot mortars up to 8 inches in diameter shall be buried to  $\frac{3}{4}$  its length in sand filled boxes or drums, and single shot mortars greater than 8 inches in diameter and up to 12 inches in diameter shall be buried to  $\frac{3}{4}$  its length in separate sand filled boxes or drums in accordance with Saf-C 5020.02.

Readopt with amendment Saf-C 5020.05, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5020.05 Mortar Rack Mounting.

(a) Single shot or “finale” mortars may be rack-mounted to adequately constructed wooden racks. Each mortar shall be securely fastened to its rack and each rack securely supported individually and at both ends.

(b) Single shot mortars shall comply with the following:

- (1) Spacing between mortars in a rack shall be at least  $\frac{1}{2}$  the diameter of the adjacent mortar;
- (2) Parallel racks or rows of racks shall be no less than [2 feet] 12 inches apart; and
- (3) Rack mounted single shot mortars may be used in accordance with the provisions of Saf-C 5020.02

Readopt Saf-C 5021 – 5022, effective July 14, 2004 (Doc. #8117) to read as follows:

#### PART Saf-C 5021 INSPECTION AND PLACEMENT

Saf-C 5021.01 Inspection of Mortars. Mortars shall be inspected for dents, bent ends, and cracked or broken plugs prior to ground placement. Mortars found to be defective in any way shall not be used. Any scale on the inside surface of the mortar shall be removed.

Saf-C 5021.02 Position of Mortars. Mortars shall be positioned so that the shells are carried away from spectators and into a clear area, with the projectile going into the air as nearly vertical as possible.

#### Saf-C 5021.03 Protection from Weather.

(a) Mortars shall be protected from damp weather as follows:

- (1) In damp ground, a weather-resistant bag shall be placed under the bottom of the mortar prior to placement in the ground to protect the mortar against moisture; and
- (2) Weather-resistant bags, tarps or plastic sheeting shall be placed over the open end of the mortar in damp weather to keep moisture from accumulating on the inside of the mortar.

Saf-C 5021.04 Operator Protection. Sand bags, dirt boxes, or other material that offers equal or greater protection shall be placed behind the mortars to protect the operator from ground bursts. This requirement shall not apply to the landing area of the discharge site.

#### PART Saf-C 5022 POTENTIAL LANDING AREA

#### Saf-C 5022.01 Area to be Clear.

- (a) The potential landing area shall be a large, clear, open area acceptable to the head of the fire department.
- (b) Spectators, vehicles, or any readily combustible materials shall not be relocated within the potential landing area during the display.
- (c) For the purpose of this section, “landing area” means the area over which firework shells are fired. The shells burst over this area, and unignited fireworks and unsafe debris fall into this area.

Readopt with amendment Saf-C 5023.01, effective April 25, 2001 (Doc. #7481) to read as follows:

Saf-C 5023.01 Electrical System Requirements. All electrical firing systems shall be in accordance with Chapter 5 of the Code for the Outdoor Display of Fireworks, NFPA 1123, [1995] 2000 edition.

Readopt Saf-C 5023.02(a)(2)-(3), effective July 14, 2004 (Doc.#8117), to read as follows:

Saf-C 5023.02 Operator Requirements.

(a)

(2) All wiring an firing system set-up shall be done under the direct control of the operator who shall also insure that the firing device or control panel is properly safeguarded; and

(3) Prior to the display, precautions shall be taken to preclude the possibility of premature ignition due to stray sources of electrical or radio frequency energy.

Readopt Saf-C 5023.03, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5023.03 Electrical Mis-Fires. Should any shell fail to function as intended, the igniter for that shell shall be re-shunted and the shell shall be removed in accordance with Saf-C 5024.08.

Readopt Saf-C 5024.02 and 5024.03, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5024.02 Loading Shells. Shells shall not, under any circumstance, be forced into a mortar too small to accept them. Shells that do not fit properly into the mortars shall not be fired.

Saf-C 5024.03 Igniting of Shells. Shells shall be ignited by lighting the tip of the fuse with a fusee, torch, portfire, or similar device. The operator shall never place any part of his or her body over the mortar at any time. As soon as the fuse is ignited, the operator shall retreat from the mortar area.

Readopt Saf-C 5024.04(a) – (d) & (f), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5024.04 Prohibitions.

- (a) Shells shall be carried from the storage area to the discharge site only by their bodies, and never by their fuses.
- (b) The safety cap protecting the fuse shall not be removed by the operator responsible for igniting the fuse until immediately before the shell shall be fired.
- (c) No smoking or open flames shall be allowed in the shell storage area if shells are present.
- (d) No attempt shall be made to repair a damaged shell or to attempt to dismantle a dry shell. The operator shall contact the supplier for proper disposal instructions.
- (f) Displays shall not be set up during any rain or snow storm or displayed during any electrical storm or when the wind reaches a velocity of more than 20 miles per hours.

Readopt Saf-C 5024.05, effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5024.05 Installation of Mortars.

- (a) A cleaning tool shall be utilized for cleaning debris out of the mortars between firings.

(b) Mortars shall be inspected before the first shells are loaded to ensure that no water or debris has accumulated in the bottom of the mortar.

(c) Display operators and assistants shall use only flashlights or electric lighting for artificial illumination.

Readopt Saf-C 5024.07 – 5024.10, effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5024.07 Cancellation of Display. The local fire chief, police chief, or the director shall cancel any display when the behavior or condition of the operator or assistant is such as to imperil the public safety.

Saf-C 5024.08 Misfires. In the even of a shell failing to ignite in the mortar, the mortar shall be left alone for a minimum of 5 minutes, than carefully flooded with water. Immediately following the display, the mortar shall be emptied into a bucket of water. The supplier shall be contacted as soon as possible for proper disposal instructions.

Saf-C 5024.09 Search of Display Area.

(a) It shall be the responsibility of the operator to ensure that a thorough search of the display area is made for any unignited fireworks or remnants thereof, containing explosives. The search shall be conducted at the completion of the display and at the first available daylight following the display.

(b) Upon completion of the search, the operator shall report all findings to the head of the fire department in the municipality where the display was held. It shall be the responsibility of the operator to dispose of any such items found.

(c) The operator of the display shall keep a record on a form provided by the supplier of all shells that fail to ignite or fail to function. The form shall be completed and returned to the supplier.

Saf-C 5024.10 Fire Equipment.

(a) The sponsor of the display shall arrange for the presence of one or more members of the local fire department as may be required by the head of the fire department. They shall be on duty from the time the fireworks are delivered at the site until the termination of the display and removal of all fireworks and debris from the site. For the purpose of this rule debris shall include any unignited fireworks or remnants containing explosive material.

(b) The head of the fire department shall designate such fire extinguishing equipment as may be required at the display site from the time the fireworks are delivered at the site until the termination of the display and removal of all fireworks and debris from the site. The head of the fire department shall designate the location and type of fire extinguishing equipment.

Readopt Saf-C 5025.02 – 5025.06, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5025.02 Construction of Barges. All barges used for marine displays shall be of sturdy, seaworthy construction, properly maintained, and provided with adequate towing, anchor, and mooring lines or chains.

Saf-C 5025.03 Barge at Anchorage. When the barge is secured at anchorage, secondary mooring lines of equal value to the primary mooring lines shall be employed.

Saf-C 5025.04 No Hazardous Cargo. No barge that is used for the transportation of fuel or other hazardous cargo, above or below deck, shall be used unless the hazardous cargo and residue thereof has been removed and any holding tanks purged, as directed by the head of the local fire department.

Saf-C 5025.05 Decking to be Covered. All barges with decks of wooden construction shall have all exposed decking covered with a minimum of one inch of clean sand.

Saf-C 5025.06 Vessel to be Placarded. Any vessel transporting class B special fireworks on any water of the state shall have affixed midship on both side thereof, an Explosive B placard as outlined in Saf-C 1621.02.

Readopt Saf-C 5025.07(a), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5025.07 Restrictions.

(a) No personnel other than those directly responsible for discharge of the display, shall be allowed on such barge during the display.

Readopt Saf-C 5025.08, effective July 14, 2004 (Doc. #8117) to read as follows:

Saf-C 5025.08 Safety Requirements.

(a) Each barge shall be equipped with at least 2 10 BC portable fire extinguishers.

(b) The sponsor shall ensure the display conforms with any USCG standards or requirements.

(c) The sponsor and the operator shall ensure that the area on all sides of the barge is free of all personnel, vessels, and crafts in accordance with the requirements of Saf-C 5017.01 and Saf-C 5017.02.

Readopt Saf-C 5026.02(b)(1)-(6) & (8)-(14), effective July 14, 2004 (Doc. #8117), to read as follows:

Saf-C 5026.02 Accident Report.

(b)

(1) Date of the report;

(2) Certificate of competency number;

(3) Time and exact location of accident;

- (4) Name and address of person(s) injured or killed;
- (5) Weather conditions at time of accident;
- (6) Name and address of person who conducted the display;
- (8) Description of the accident and total cost of repair;
- (9) Cause of the accident;
- (10) Names and addresses of any known witnesses;
- (11) Name of hospital or doctor where injured person(s) was taken to;
- (12) What type of first aid equipment was available at scene of the accident;
- (13) Detailed description of failure, if the launching mechanism was involved; and
- (14) Signature of individual who conducted the display.